IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8973 of 2005

Between:

Smt.T.Parvathi W/o.Chinna Obulesu
Julakalva Village, Singanamala Mandal, Anantapur District.

... PETITIONER

AND

1 The District Collector, Anantapur.
2 The Joint Collector, Anantapur.
3 The Revenue Divisional Offficer, Anantapur.
4 The Mandal Revenue Officer, Singanamala Mandal,

Singanala Anantapur District.
5 N.Ramalakshamma @ peddakka W/o.N.Pakeerappa,

R/o.Julakalva Village, Singanamala Mandal, Anantapur District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or direction declaring the action of the 1st respondent in not granting stay pending disposal of the revision as illegal and consequently stay the order of the 2nd respondent passed in Rc.No.K4/ATP/714/04 dt.30.3.2005 pending disposal of the revision before the 1st respondent.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondents 1 to 4: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.5: Mr.N.Ranga Reddy

The Court at the stage of admission made the following :

O R D E R:

This writ petition is filed seeking a declaration that the action of the 1st respondent in not granting stay pending disposal of the revision is illegal and arbitrary, with a consequential direction to stay the order passed by the 2nd respondent dated 30.03.2005.

The petitioner was appointed as permanent Fair Price Shop Dealer on 27.02.2004 for Julakalava village, Singanamala Mandal of Anantapur District. Alleging that the appointment of the petitioner was improper, the 5th respondent filed an appeal before the 2nd respondent, Joint Collector. The said appeal was allowed by the 2nd respondent, with a direction to re-notify the vacancy. Aggrieved by the same, as the petitioner was not a party to the said proceedings, he filed W.P.No.9565 of 2004 before this Court. The said writ petition was disposed of on 16.6.2004, directing the appellate authority, Joint Collector, to issue notice to the petitioner, and further directing that after hearing the petitioner and the appellant in the appeal, the matter shall be disposed of afresh on merits. Pursuant to the orders of this Court, the 2nd respondent issued a notice to the petitioner, and after hearing both sides, he allowed the appeal on 30.3.2005, setting aside the order of the 3rd respondent, Revenue Divisional Officer. Aggrieved by the said order, the petitioner preferred a revision before the 1st respondent, District Collector. Contending that no orders have been

passed so far by the 1st respondent in the revision, the petitioner filed the writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner has filed the revision before the 1st respondent only on 11.04.2005. Without even giving breathing time to the 1st respondent, the petitioner approached this court contending that no orders have been passed so far in the revision. However, having regard to the facts and circumstance of the case, I deem it appropriate to direct the 1st respondent to dispose of the revision.

Hence, the writ petition is disposed of at the stage of admission, directing the 1st respondent to dispose of the revision preferred by the petitioner, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. As it is asserted that the petitioner is still running the business, it is directed he shall be continued to distribute the commodities as per the authorization, pending disposal of the revision. No order as to costs.

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27th April 2005

Note: Operative portion by wire.

(B/o)

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To

1 The District Collector, Anantapur.
2 The Joint Collector, Anantapur.
3 The Revenue Divisional Offficer, Anantapur.

4 The Mandal Revenue Officer, Singanamala Mandal,

Singanala, Anantapur District.
5 Two C.Cs. to the Govt.Pleader for Civil Supplies,

High Court buildings, Hyderabad (OUT).

6. Two C.D.copies.